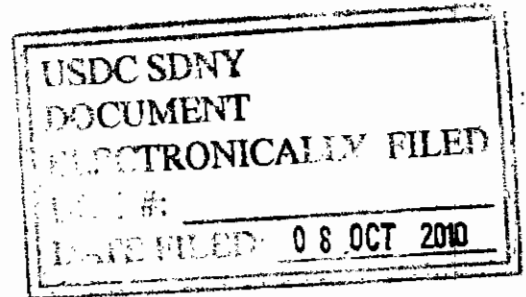


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



IN RE STARBUCKS EMPLOYEE  
GRATUITY LITIGATION

MASTER FILE  
08 Civ. 3318 (LTS)

This Document Relates to:  
All Actions

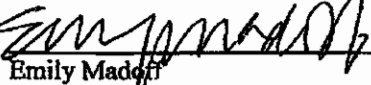
*AND ORDER* *for*  
**JOINT STIPULATION OF DISMISSAL WITH PREJUDICE**

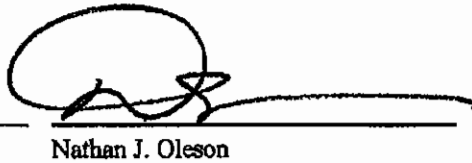
Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), plaintiff Julianne Harayda and defendant

Starbucks Corporation hereby stipulate to dismissal of plaintiff's claims with prejudice in light of the parties' agreement to resolve this matter. The parties request that the Court close the case file and terminate *Harayda v. Starbucks Corp.*, Case No. 08-CV-4182 (LTS)(JCF). Each party shall bear its own costs.

This dismissal is without prejudice as to the claims of absent putative class members and therefore does not implicate the notice and approval requirements of Fed. R. Civ. P. 23(e) or 28 U.S.C. § 1711, *et seq.* See, e.g., Manual for Complex Litigations (Fourth) § 21.312 (2008) ("Rule 23(e) requires notice of a settlement only if it would bind the class. If individual members settle individual claims before class certification, notice to the class is not required even if the class claims have been dismissed without prejudice or withdrawn."); Commentary to 2003 Amendments to Fed. R. Civ. P. 23(e)(1)(A) (noting that court approval is not required for settlement of individual claims prior to certification of class); 28 U.S.C. § 1711(6) (defining "proposed settlement" subject to statute to include only those settlement agreements that are "subject to court approval and . . . if approved, would be binding on some or all class members").

DATED: October 7, 2010

  
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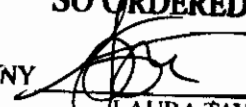
ATTORNEYS FOR DEFENDANT  
STARBUCKS CORPORATION

In light of the foregoing, the Clerk of Court is respectfully requested to close cases 08 Civ 3318, 08 Civ 4182 and any other related or component cases.

SO ORDERED.

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NEW YORK, NY

  
OCT 7, 2010 LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing JOINT STIPULATION OF DISMISSAL WITH PREJUDICE was served this 7th day of October, 2010 via the ECF filing system registered users on the following:

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/s/  
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